

**THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS**

Malibu Media , LLC.	}	
	}	
Plaintiff	}	Case No. 1:14-cv-05230
	}	
v.	}	Honorable Robert M. Dow, Jr.
	}	
John Doe subscriber assigned	}	
IP address 67.174.0.39	}	
Defendant.		

MOTION TO QUASH SUBPOENA

NOW COMES John Doe , identified in Plaintiff's subpoena as IP user Address 67.174.0.39, by and through his attorney, The Law Offices of Sabrina Wilkins-Brown, P.C. and hereby files this Motion to Quash the Subpoena issued to Comcast Corporation ("Comcast") dated August 25, 2014. Defendant John Doe states as follows:

1. John Doe identified as user of IP Address 67.174.0.39, requests this Court to quash the subpoena issued by the Plaintiff to Comcast to supply personally identifiable information related to the above referenced IP Address.
2. Plaintiff's subpoena should be quashed because it lacks specificity of information about the copyrighted work. For example, the subpoena issued to Comcast and subsequently sent to John Doe, fails to identify the file or movie name, or the file or movie type that was allegedly uploaded or downloaded on July 2, 2014 using a computer allegedly assigned to the IP Address of John Doe.
3. The information requested by said subpoena is not likely to lead to credible evidence to prove that John Doe is the responsible party who downloaded or uploaded any alleged copyrighted material due to the wireless nature of the network used by John Doe. It is

entirely possible that anyone visiting John Doe's premises with a laptop and wireless access (or any neighbor) could have downloaded or uploaded the alleged copyrighted material completely unbeknown to John Doe . John Doe cannot guarantee there was no unauthorized use via the wireless network associated with his IP Address.

4. Additionally, Plaintiff's subpoena to Comcast fails to provide any information on the amount of data uploaded or downloaded or shared or the duration of the data shared on the internet. For example, the inadvertent click on a link could initiate the upload or download of alleged copyrighted material for a split second, thereby not downloading or uploading the entire movie or file as claimed by the Plaintiff as their alleged copyrighted material.
5. Plaintiff's subpoena fails to state the validity of the gathered information on John Doe, as supplied in the documents sent to Comcast and which Comcast sent to John Doe. Plaintiff therefore cannot validate and state with 100% accuracy that the IP Address identified as belonging to John Doe is accurate and valid as there is no detail specified as to how the IP Address was obtained and verified.
6. Finally, John Doe would like to bring to this Court's attention to the prevalence of computer hackers and their ability to copy or spoof IP Addresses and Media Access Controller Addresses. These hackers are capable of illegally using or assuming John Doe's internet identity and/or hacking into the computer without John Doe 's knowledge.

WHEREFORE, John Doe prays this Court will grant the motion to quash the subpoena dated August 25, 2014 issued to Comcast seeking the personal identifiable information associated with IP Address 67.174.0.39 for the reasons stated herein.

John Doe user of IP Address 67.174.0.39

By his Attorney: s/: Sabrina Wilkins-Brown

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